

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:19-cv-00331-FDW-DCK

GLOBAL MERCHANDISING SERVICES,)
LTD.,)

Plaintiff,)

vs.)

VARIOUS JOHN DOES, JANE DOES, and)
ABC COMPANIES,)

Defendants.)

PRELIMINARY INJUNCTION AND
ORDER OF SEIZURE

Plaintiff having moved by Order to Show Cause, with Temporary Restraining Order and Order of Seizure, for a Preliminary Injunction enjoining and restraining Defendants from manufacturing, selling and distributing clothing, jewelry, photographs, posters and other merchandise (collectively the “Infringing Merchandise”) bearing the IRON MAIDEN names, logos, likenesses and trademark (collectively the “IRON MAIDEN Trademarks”) and ordering the seizure and impounding of such articles; and service of the Order to Show Cause, Summons and Complaint having been effected upon such persons and duly authorized persons having seized and impounded said merchandise; and a hearing on Plaintiff’s motion having been held before the Honorable Judge Frank D. Whitney on the 29th day of July, 2019 and Kenneth A. Feinswog appearing on behalf of Plaintiff, and there being no appearances in opposition; and there being additional Defendants who continue and are about to distribute or sell such Infringing Merchandise who have not yet been served with process, who will unless restrained by this Court, irreparably harm Plaintiff through illegal sales of said merchandise;

IT IS HEREBY ORDERED that Defendants, their agents, servants, employees, successors and assigns, and all persons, firms and corporations acting in concert with Defendants are preliminary enjoined and restrained from:

- (a) using the IRON MAIDEN Trademarks or any colorable imitations thereof on or in connection with the sale, offering for sale, distribution or advertising of the Infringing Merchandise;
- (b) manufacturing, distributing, selling or holding for sale any Infringing Merchandise bearing or otherwise using the IRON MAIDEN Trademarks; and
- (c) aiding, abetting, encouraging or inducing others to do any of the acts herein enjoined.

AND IT IS FURTHER ORDERED that the United States Marshal for this District or any district in which Plaintiff enforces this Order, local deputy sheriffs, the state police, local police, local deputy sheriffs, or off duty officers of the same, and any person acting under their supervision (“Enforcement Officers”) are hereby authorized to seize and impound any and all Infringing Merchandise bearing any or all of the IRON MAIDEN Trademarks, and means of making them, and records documenting the manufacture, sale or receipt of things related thereto, in the possession, dominion, or control of Defendants, their agents or persons acting in concert or participation with them, including all Infringing Merchandise which Defendants attempt to sell or are holding for sale, including from any containers, vessels, storage areas, or motor vehicles, or other means of carriage in which the Infringing Merchandise is found from six (6) hours before and continuing six (6) hours after the performance or any concert on the IRON MAIDEN tour on the premises or within a ten (10) mile vicinity of the halls, stadium or arenas at which the IRON MAIDEN tour shall be performing;

AND IT IS FURTHER ORDERED that this order is conditioned upon Plaintiff's advancing to the law enforcement officers such sum as it required by the same to cover the fees of their said services, in the event Plaintiff seeks their services in this or any other district;

AND IT IS FURTHER ORDERED that service of a copy of this Order, together with the Summons and Complaint, be made upon Defendants by the process server, at the time of the seizure provided herein is effected and that such service shall be deemed good and sufficient;

AND IT IS FURTHER ORDERED that each and every Defendant served with a copy of this order shall promptly, courteously and peaceably identify himself or herself to the aforementioned process server and that the process server or agents for Plaintiff be allowed to photograph, video tape or otherwise identify the Defendant;

AND IT IS FURTHER ORDERED that the process server shall offer a receipt to each person from whom Infringing Merchandise is seized and that the Plaintiff shall be deemed substitute custodian for all Infringing Merchandise seized pending final disposition of this matter;

AND IT IS FURTHER ORDERED that any Defendant who is served with a copy of this Preliminary Injunction and who objects to the provisions hereof may submit his or her objection to this Court or otherwise move for relief from this Court according to the Federal Rules of Civil Procedure, but no such objection should serve to suspend this order or stay the terms hereof unless otherwise ordered by this Court;

AND IT IS FURTHER ORDERED that the \$5,000.00 bond heretofore deposited with the Clerk of Court to secure payment of costs incurred in enforcing the provisions of the temporary restraining order and any damages sustained by any party who is found to have been wrongfully enjoined is hereby continued until final disposition of this matter.

IT IS SO ORDERED.

Signed: July 29, 2019

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

